

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

OPINION AND ORDER

19-cv-809-wmc

BLUEPOINT INVESTMENT
COUNSEL, et. al.,

Defendants.

This civil case is set for trial, with jury selection on January 10, 2021. Plaintiff United States Securities and Exchange Commission (“SEC”) alleges that defendants violated various provisions of the Securities and Exchange Act. The court held its final pretrial conference in person, today, December 10, 2021. Now, with the benefit of additional briefing and argument from the parties, the court issues the following order, consistent with its oral rulings during the course of that conference, addressing reserved motions *in limine* and trial issues, as well as trial mechanics.

ORDER

IT IS ORDERED that:

- 1) Plaintiff’s motions in limine no. 3 & 5 (dkt. ##179, 183) are GRANTED, and the parties are directed to admonish their witnesses to avoid discussing the SEC and criminal investigations.
- 2) Plaintiff’s motion in limine no. 4 (dkt. #181) is RESERVED as to Houden, Sr., Houden, Jr., Johnson, Metropolis and Zigras. There will be no presumption of adversity for any of these witnesses.
- 3) Plaintiff’s motion in limine no. 10 (dkt. #199) is RESERVED. If defendants believe Nohl should be deemed an expert in a specific field, they may bring a motion on or before Thursday, December 16, 2021, explaining in which fields

and why. Similarly, plaintiff may likewise bring a motion on or before Thursday, December 16, 2021, seeking to exclude specific, previously disclosed expert opinions that Nohl should be prohibited from presenting under *Daubert*.

- 4) By Thursday, December 16, 2021, parties are to exchange their final proposed exhibit list, with objections to those exhibits due by the other side by Thursday, December 23rd. The court will continue this conference to address objections to exhibits on Tuesday, January 4, 2022, at 2:00 p.m. via Zoom videoconference.

Entered this 10th day of December, 2021.

BY THE COURT:

/s/

WILLIAM M. CONLEY

District Judge